

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 15, 2005

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING:

Approval of payment to *E. Tyson Smith, Esq.* for professional legal services rendered in the amount of \$29,526.56.

ITEM BACKGROUND:

Tyson Smith has been defending the County in *Collins vs. Monroe County*, CAM-04-379.

PREVIOUS RELEVANT BOCC ACTION:

On November 29, 2004 the Board agreed to hire Mr. Smith's prior law firm to defend the County in the case.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: \$29,526.56

BUDGETED: Yes No

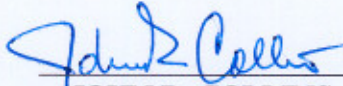
COST TO COUNTY: \$29,526.56

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 06/13/05
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

White & Smith, LLC
1125 Grand Blvd., Ste. 1500
Kansas City, MO 64106

Invoice

Date	Invoice #
3/31/2005	45

Bill To Monroe County, FL Richard Collins 502 Whitehead St., 3rd Floor Key West, FL 33040
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OK
RMS
4/21/05

Project Collins, et al. v. County #90355.015
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Hours	Description	Rate	Date	Amount
4.4	Meeting with S. Moore and paralegal; teleconferences with staff; legal research and analysis related to discovery and summary judgment issues	195.00	3/1/2005	858.00
1.7	Meeting with paralegal and Moore re: MSJ; status conference with R. Freilich; correspondence to Co. Atty; teleconference with R. Collins	195.00	3/2/2005	331.50
8.9	Analysis of issues related to summary judgment, continuance, procedure; legal research re: same; meeting with S. Moore; teleconference with B. Schillinger, draft motion for continuance and memo of law	195.00	3/3/2005	1,735.50
1.7	Finalize motion and affidavits; meeting with Moore and correspondence to County Atty	195.00	3/4/2005	331.50
10.2	Meeting with S. Moore re: interrogatories and request for production; analysis of issues related to motion for summary judgment; research re: party representative and deposition and evidentiary requirements on MSJ	195.00	3/7/2005	1,989.00
7.8	Meeting with S. Moore and paralegal re: discovery requests; preparation of affidavits re: pending motions; motion for summary judgment; deposition practice; appraisals; motion for continuance	195.00	3/8/2005	1,521.00
8.8	Finalize affidavits regarding motions; analysis of issues regarding case; preparation of discovery materials; teleconference with Shillinger, with Appraiser, with Planning Office	195.00	3/9/2005	1,716.00
4.5	Correspondence to and coordination with Staff re: site visits; prepare for hearing; legal research re: motion for summary judgment; teleconference with Planning; finalize interrogatories and requests for production of documents	195.00	3/10/2005	877.50
1.8	Coordination with co-counsel; finalize request for entry on lands	195.00	3/11/2005	351.00
4.5	Legal research regarding FL taking; plaintiffs' theories; meeting with Moore re: strategy and issues	195.00	3/12/2005	877.50
FIN: 72-1591935			Total	

White & Smith, LLC
1125 Grand Blvd., Ste. 1500
Kansas City, MO 64106

Invoice

Date	Invoice #
3/31/2005	45

Bill To
Monroe County, FL Richard Collins 502 Whitehead St., 3rd Floor Key West, FL 33040

Project
Collins, et al. v. County #90355.015

Hours	Description	Rate	Date	Amount
3.9	Legal research regarding FL taking; analysis of issues and litigation strategy; coordination with co-counsel re: opposition to MSJ	195.00	3/13/2005	760.50
2.8	Teleconference with Freilich's office regarding opposition to motion for summary judgment; prepare for hearing	195.00	3/14/2005	546.00
2.3	Meet with Asst. Co. Atty; attend hearing; attend deposition	195.00	3/15/2005	448.50
0.7	Meeting with Moore and paralegal re: deposition preparation and strategy; correspondence to co-counsel	195.00	3/24/2005	136.50
4.2	Meeting with S. Moore re: division of labor, strategy, depositions and other discovery matters; teleconference with R. Freilich; prepare documents for appraiser	195.00	3/25/2005	819.00
2.4	Draft letter to opposing counsel; meeting with S. Moore and paralegal re: deposition notices and schedule	195.00	3/28/2005	468.00
0.3	Coordination with co-counsel re: depositions and site inspections	195.00	3/29/2005	58.50
0.7	Meeting with S. Moore re: depositions and site inspections; coordination with staff re: same	195.00	3/30/2005	136.50
	Airfare 3/15/05-3/17/05 ETS	338.30	3/2/2005	338.30
	Airfare/Change 3/15-3/17/05 ETS	349.99	3/28/2005	349.99
	Mileage 3/15-3/17/05 ETS	21.90	3/28/2005	21.90
	KCI Parking 3/15-3/17/05 ETS	20.00	3/28/2005	20.00
	Hotel 3/15-3/17/05 ETS	331.17	3/28/2005	331.17
	Meals 3/15-3/17/05 ETS	181.50	3/28/2005	181.50
	Car 3/15-3/17/05 ETS	191.70	3/28/2005	191.70
	Total Reimbursable Expenses			1,434.56
	Professional Services for Stephen J. Moore, PC for March 2005; Inv. #1370	14,130.00		14,130.00
FIN: 72-1591935			Total	\$29,526.56

TYSON SMITH

CC

RR 194089221 VEH 01398/6612527 #01RN
CLSD4 NVL N 05MUS6 LIC: FL X48QEB
FUEL 8/8 OUT 5/8 IN
CDP: 13000-ABA

Hertz

RES 0152020177/C5081
PREF 0103BY: 5423/PKEY
COMPLETED BY: 2715/PKEY

RENTED: 03/14/05 19:58 @ KEY WEST INT'L AP
RETURN: 03/17/05 17:22 @ KEY WEST INT'L AP

PLAN IN: 05081 RATE CLASS: B
PLAN OUT: 05061
MILE AGE IN 2874 TR-X MILES
MILE AGE OUT 2742 MILES ALLOWED
MILES DRIVEN 134 MILES CHARGED

DAYS	2 @ \$ 51.50 / DAY	\$ 154.50
SUBTOTAL 1		\$ 154.50
DISCOUNT - R 20%		\$ 30.90
SUBTOTAL 2		T\$ 123.60
CONCESSION FEE RECOVERY		T\$ 12.36
LDW DECLINED		
LIS DECLINED		
PAI, PEC DECLINED		
FUEL & SERVICE \$ 5.24 GALLON / TANK CAP 16.0	T\$	35.16
FLA SURCHG	T\$	7.20
TAX 7.500% ON TAXABLE TTL OF \$ 178.32	\$	13.38
CHARGED ON AMX XXXXXXXXXX2002	\$	191.70
RENT FR AMX XXXXX-XXX-X2002		

*** CUSTOMER COPY ***

SALES DRAFT

ECONOMY LOT
KC ENIX
KANSAS CITY, MO 64153
(816) 243-5878
4301352322967767

TID : 35232296776743010002
DATE : 03/18/05 09:18:01 AM FRI
ACCT : *****2002 AM
NAME : SMITH/T
BATCH : 516

TRAN # : 4707

AMOUNT : \$20.00

THANK YOU.
PLEASE COME AGAIN.

APPROVAL: 508312

STATEMENT OF CHARGES - NOT VALID FOR RENTAL

COCONUT CAY RESORT
7200 AVIATION BLVD.
MARATHON FL 33058

DATE: 03/14/05 TIME: 22:23
REF#: 731807002217 TERM: 0001

S-A-L-E-S D-R-A-F-T

REF: 8692 BCH: 672
CD TYPE: VI
TR TYPE: PR
CHRG TYPE: LODG
SALE CODE: CD

AMOUNT: \$110.39

GUEST INFO: 11060

ACCT: *****1390 EXP: **/**
AP: 415195 ROOM: 36

NAME: E TYSON SMITH JR

CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS
AND/OR SERVICES IN THE AMOUNT OF THE
TOTAL SHOWN HEREON AND AGREES TO PERFORM
THE OBLIGATIONS SET FORTH BY THE
CARDMEMBER'S AGREEMENT WITH ISSUER

NO REFUNDS OR EARLY DEPARTURE
THANK YOU!

E. J. Smith
TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

COCONUT CAY RESORT
7200 AVIATION BLVD.
MARATHON FL 33058

DATE: 03/15/05 TIME: 15:59
REF#: 731807002217 TERM: 0001

S-A-L-E-S D-R-A-F-T

REF: 8701 BCH: 673
CD TYPE: VI
TR TYPE: PR
CHRG TYPE: LODG
SALE CODE: CD

AMOUNT: \$220.78

GUEST INFO: 50373

ACCT: *****1390 EXP: **/**
AP: 415195 ROOM: 36

NAME: E TYSON SMITH JR

CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS
AND/OR SERVICES IN THE AMOUNT OF THE
TOTAL SHOWN HEREON AND AGREES TO PERFORM
THE OBLIGATIONS SET FORTH BY THE
CARDMEMBER'S AGREEMENT WITH ISSUER

NO REFUNDS OR EARLY DEPARTURE
THANK YOU!

E. J. Smith
TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

Coconut Cay Resort

7196 Overseas Highway
Marathon, FL 33050

GUEST INFORMATION

Full Name

Mr. Tyson Smith

Address:

1125 Grand Blvd
Kansas City, MO 64106

STAY INFORMATION

CheckIn:

03/14/2005 Mon

CheckOut:

03/15/2005 Tue

Adults/Child:

1/0

Weekday:

99.00

Weekend:

99.00

Tax Exempt:

No

Conf #:

11060

Room:

36 (1 Queen Poolside)

OTHER INFORMATION

Car Make/Model

Plate

Guarantee:

CCD 4037 6972 9700 1390

02/07

Length of Boat

Boat Trailer License

Boat Registration #

CHARGE BREAKDOWN

Total Room: 99.00

Other Charges: 0.00

Total Tax: 11.39

Total Stay: 110.39

Payments: -110.39

Balance Due: 0.00

Printed: 03/14/2005 at 10:23 PM

Phone Extension: 136

CHECK-IN TIME IS 3:00 pm

CHECK-OUT TIME IS 11:00 am

NO PETS ALLOWED

Fine and Eviction will apply with NO REFUND

ALL OF OUR ROOMS ARE NON-SMOKING

To avoid additional \$50 cleaning charge, please do not smoke in the room

GUEST MUST RETURN KEYS TO THE FRONT DESK

A non-returned or lost key will result in a \$10 replacement charge

CREDIT CARD AUTHORIZATION, obliges you to the full stay of your reservation

ABSOLUTELY NO REFUNDS

You are financially obligated for the full length of your stay

WE HONOR DISCOUNTS ONLY AT THE TIME OF RESERVATION

Absolutely no discounts applied after reservation

WE DO NOT ALLOW DAY GUESTS OR VISITORS

You are entitled only to those listed

YOU ARE FINANCIALLY RESPONSIBLE, for the damages, loss of items and any additional clean-up to your room.

WE ARE NOT RESPONSIBLE for the loss or theft of personal items on the property

THANK YOU FOR BEING OUR GUEST, WE HOPE YOU ENJOY YOUR STAY

X

Signature: _____

BOARDING PASS
***** ET *****
SMITH/TYSON

DL2313057206

FLIGHT DATE
DL9760 17MAR

ORIGIN
KEY WEST

DESTINATION
ATLANTA

OPERATED BY ATLANTIC SOUTHEAST
A DELTA CONNECTION CARRIER

SEAT
10D
ZONE 3

BOARDING PASS
***** ET *****
SMITH/TYSON

DL2313057206

FLIGHT DATE
DL 4421 14MAR

ORIGIN
ATLANTA

DESTINATION
KEY WEST

OPERATED BY ATLANTIC SOUTHEAST
A DELTA CONNECTION CARRIER

SEAT
14B
EXIT
ZONE 2

BOARDING PASS
***** ET *****
SMITH/TYSON

DL2313057206

FLIGHT DATE
DL 824 14MAR

ORIGIN
KANSAS CITY

DESTINATION
ATLANTA

OPERATED BY DELTA AIR LINES INC

SEAT
12D
EXIT
ZONE 7

 **Delta**
SMITH/TYSON

DL2313057206

H7NBU

FLIGHT DATE CLASS ORIGIN
DL1559 18MAR H ATLANTA

OPERATED BY COACH DESTINATION
DELTA AIR LINES INC KANSAS CITY

DEPARTURE GATE **B23** ..SUBJECT TO CHANGE..

BOARDING PASS
ELECTRONIC TICKET
4 006 2184254063 6

27LE3U

DEPARTS
726A

SEAT
25E
EXIT
ZONE 8

BOARDING PASS
***** ET *****
SMITH/TYSON

DL2313057206

FLIGHT DATE
DL1559 18MAR

ORIGIN
ATLANTA

DESTINATION
KANSAS CITY

OPERATED BY DELTA AIR LINES INC

SEAT
25E
EXIT
ZONE 8



ATL07E335/86





Passenger Receipt and Itinerary

Enjoy the fastest way to the gate. Use delta.com's Online Check-in from 24 hours to 30 minutes before departure. For questions, please visit delta.com or call 800-221-1212.

TYSON SMITH
225 WEST 66TH TERRACE
KANSAS CITY MO 64113

Confirmation Number/Record **27LE3W**
 Locator:
 SkyMiles Number: **2313057206**

RECEIPT INFORMATION

Psg: TYSON SMITH
 Not Transferable
 Place of Ticket Issue: ATLRES
 Issuing Agent Id: DL/FH

Ticket Number: **00621842540631**
 This document expires 09MAR06.

Ticket Issue date: 09MAR05

Fare Details: MKC DL X/ATL DL EYW311.16B3BV DL X/ATL DL MKC246.04H7NBV USD557.20END ZP
 MCIATLEYWATL XT US 41.79 ZP 12.80 AY 10.00 XF 16.50 MCI3ATL4.5EYW4.5ATL4.5

FARE: 557.20 USD
 TAX: 81.09 XT
 TOTAL: 638.29 USD

Form of Payment AX*****22002
 FP A/CUSD279.07/US20.92/6X50.00/TL349.99

Org Tkt 00623081343592
 Org FOP AX*****22002

PENALTY APPLIES

This is a special fare ticket. Changing your reservation may result in penalties and increased fare. Always advise your airline or travel agent that you are traveling on a special fare.

SERVICE CHARGES/FEES

Psg: TYSON SMITH
 Not Transferable

Service Charge/Fee Number: **00621842540631**

Retain this receipt for your records. The amount shown below is the total of any nonrefundable service charges or fees paid in conjunction with exchange or refund of the following tickets.

Original Ticket Number:
 00623081343592 22FEB05
 New Ticket Number: 00621842540631
 PNR Code: 27LE3W

Date of Issue: 09MAR05
 Place of Issue: ATLRES
 Issuing Agent Id: DL/FH

ASC/FEES: 50.00 USD
 TOTAL: 50.00 USD

TICKETED ITINERARY INFORMATION

Flight Nbr	Departure Date	Bkng Class	Status	Carrier/Vendor	Departure City	Departure Time	Arrival City	Arrival Time	Seat/Class	Meals/Other
824	14MAR05	B	OK	DELTA	KANSAS CITY	1245P	ATLANTA	345P	12D COACH	
4421	14MAR05	B	OK	DELTA/ Operated by ATLANTIC SOUTHEAST	ATLANTA	452P	KEY WEST	642P	14B COACH	
4203	17MAR05	H	OK	DELTA/ Operated by ATLANTIC SOUTHEAST	KEY WEST	523P	ATLANTA	724P	9C COACH	
1715	17MAR05	H	OK	DELTA	ATLANTA	1046P	KANSAS CITY	1157P	23C COACH	

- Arrival date is 1 day after departure date.

Check-in with the operating carrier.

Song passengers departing from New York Kennedy (JFK) or Orlando (MCO) check-in at the Song ticket counter.

Please check-in early. Delta recommends the following minimum check-in times.

Destination	Ticket Counter	Departure Gate
U.S. Domestic Flights	60 minutes	30 minutes
International Flights	120 minutes	60 minutes

** - Check-in required
 *S\$ - Multiple Seats
 B - Breakfast
 L - Lunch
 D - Dinner
 S - Snack
 F - Food Available
 for Purchase
 *** - Multi Meals
 M - Movie

Checked baggage must be presented at least 30 minutes before departure for domestic flights and 60 minutes for International flights or the bag may be refused.

Exception: Passengers originating travel from Denver International Airport (DEN) or Las Vegas International Airport (LAS) must check their bags at least 45 minutes prior to the scheduled departure time or the bag may be refused. San Juan, P.R., (SJU) and Saint Thomas, U.S.V.I. (STT) originating passengers must check their bags at least 60 minutes prior to the scheduled departure time or the bag may be refused.

Domestic flights close for boarding 15 minutes before departure.

International flights close 60 minutes before departure.



Passenger Receipt and Itinerary

Enjoy the fastest way to the gate. Use delta.com's Online Check-in from 24 hours to 30 minutes before departure.
For questions, please visit delta.com or call 800-221-1212.

TYSON SMITH
225 W 66TH TERR
KANSAS CITY MO 64113

Confirmation Number/Record **27LE3W**
 Locator:
 SkyMiles Number: **2313057206**

RECEIPT INFORMATION

Psg: TYSON SMITH
 Not Transferable
 Place of Ticket Issue: WWWRES
 Issuing Agent Id: DLWW

Ticket Number: **00623081343592** Ticket Issue date: **22FEB05**
 This document expires 22FEB06.

Fare Details: MKC DL X/ATL DL EYW 153.02K14M1NBV DL X/ATL DL MKC 125.11L14M1NBV
 USD278.13END ZP MCIATLEYWATL XT US20.87 ZP12.80 AY10.00 XF16.50 MCI3ATL4.5EYW4.5ATL4.5

FARE: 278.13 USD
 TAX: 60.17 XT
 TOTAL: 338.30 USD

Form of Payment AX*****22002

NON REF/CHANGE FEE/PENALTY

This is a special fare ticket. Changing your reservation may result in penalties and increased fare. Always advise your airline or travel agent that you are traveling on a special fare.

TICKETED ITINERARY INFORMATION

Flight Nbr	Departure Date	Bkng Class	Status	Carrier/Vendor	Departure City	Departure Time	Arrival City	Arrival Time	Seat/Class	Meals/Other
824	15MAR05	K	OK	DELTA	KANSAS CITY	1245P	ATLANTA	345P	19D COACH	
4421	15MAR05	K	OK	DELTA/ Operated by ATLANTIC SOUTHEAST	ATLANTA	452P	KEY WEST	642P	10C COACH	
4203	17MAR05	L	OK	DELTA/ Operated by ATLANTIC SOUTHEAST	KEY WEST	523P	ATLANTA	724P	9C COACH	

1715	17MAR05	L	OK	DELTA	ATLANTA	1046P	KANSAS CITY	1157P	23C COACH
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- Arrival date is 1 day after departure date.

Check-in with the operating carrier.

Song passengers departing from New York Kennedy (JFK) or Orlando (MCO) check-in at the Song ticket counter.

Please check-in early. Delta recommends the following minimum check-in times.

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International Flights	120 minutes	60 minutes

** - Check-in required
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 D - Dinner
 S - Snack
 F - Food Available
 for Purchase
 *** - Multi Meals
 M - Movie

Checked baggage must be presented at least 30 minutes before departure for domestic flights and 60 minutes for International flights or the bag may be refused.

Exception: Passengers originating travel from Denver International Airport (DEN) or Las Vegas International Airport (LAS) must check their bags at least 45 minutes prior to the scheduled departure time or the bag may be refused. San Juan, P.R., (SJU) and Saint Thomas, U.S.V.I. (STT) originating passengers must check their bags at least 60 minutes prior to the scheduled departure time or the bag may be refused.

Domestic flights close for boarding 15 minutes before departure.

International flights close 60 minutes before departure.

STEPHEN J. MOORE, P.C.

1500 Traders on Grand Building
 1125 Grand Avenue
 Kansas City, MO 64106
 FIN 43-1439082

Bill To:

E. Tyson Smith
 White & Smith, LLC
 1500 Traders on Grand Bldg.
 1125 Grand Ave.
 Kansas City, MO 64106

Invoice

Number: 1370

Date: April 02, 2005

Ship To:

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PO Number	Terms	Project
90355-012SJM(Collins	Time & Expenses	Monroe County, FL

Date	Description	Hours	Rate	Amount
March 01, 2005	Office Conference with Tyson Smith X 3	0.60	225.00	135.00
March 01, 2005	Review E-mails from Bob Shillinger	0.25	225.00	56.25
March 01, 2005	Review Florida Cases	0.75	225.00	168.75
March 03, 2005	Work on Summary Judgment Opposition/Brief	3.75	225.00	843.75
March 04, 2005	Review & Revise Motion for Extension of Time	2.80	225.00	630.00
March 04, 2005	Legal Research re Extension of Time	1.75	225.00	393.75
March 04, 2005	Tele Conf with Robert H. Freilich	0.50	225.00	112.50
March 04, 2005	Office Conferences with Tyson Smith X 4	1.00	225.00	225.00
March 05, 2005	Draft Opening Interrogatories	2.75	225.00	618.75
March 05, 2005	Draft Request for Production of Documents	4.50	225.00	1,012.50

OK
 RBS
 4/21/05

STEPHEN J. MOORE, P.C.

1500 Traders on Grand Building
 1125 Grand Avenue
 Kansas City, MO 64106
 FIN 43-1439082

Invoice

Number: 1370

Date: April 02, 2005

Bill To:

E. Tyson Smith
 White & Smith, LLC
 1500 Traders on Grand Bldg.
 1125 Grand Ave.
 Kansas City, MO 64106

Ship To:

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PO Number	Terms	Project
90355-012SJM(Collins)	Time & Expenses	Monroe County, FL

Date	Description	Hours	Rate	Amount
March 07, 2005	Work On Summary Judgment/Phone Call to Quinlavin/Phone Call to Bob Shillinger/Conferences with Tyson Smith	4.00	225.00	900.00
March 08, 2005	Review & Revise Discovery/Work on Summary	3.75	225.00	843.75
March 09, 2005	Finalize Written Discovery/Prepare for Hearings	3.00	225.00	675.00
March 11, 2005	Conferences with Tyson Smith	2.75	225.00	618.75
March 12, 2005	Work with Tyson Smith Preparing for Hearings	3.50	225.00	787.50
March 13, 2005	Work with Tyson Smith Preparing for Hearings	3.50	225.00	787.50
March 14, 2005	Conf with Tyson Smith	0.30	225.00	67.50
March 15, 2005	Tele Conf with Tyson Smith re Hearing	0.25	225.00	56.25

STEPHEN J. MOORE, P.C.

1500 Traders on Grand Building
 1125 Grand Avenue
 Kansas City, MO 64106
 FIN 43-1439082

Bill To:

E. Tyson Smith
 White & Smith, LLC
 1500 Traders on Grand Bldg.
 1125 Grand Ave.
 Kansas City, MO 64106

Invoice

Number: 1370

Date: April 02, 2005

Ship To:

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PO Number	Terms	Project
90355-012SJM(Collins	Time & Expenses	Monroe County, FL

Date	Description	Hours	Rate	Amount
March 25, 2005	Tele Conf with Robert H. Freilich & Tyson Smith re Tasks and Division of Labor for Summary Judgment	0.60	225.00	135.00
March 28, 2005	Draft Deposition Notices for Each of Plaintiffs	2.00	225.00	450.00
March 30, 2005	Finalize and Serve Deposition Notices	1.50	225.00	337.50
March 31, 2005	Paralegal & Assistant Charges March 1 through 31, 2005	85.50	50.00	4,275.00
Total				\$14,130.00